

**UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA**

LAHNEEN SLANTIS,	:	No. 1:09-cv-049
Plaintiff,	:	
	:	Judge Conner
v.	:	
	:	Jury Trial Demanded
CAPOZZI & ASSOCIATES, P.C.,	:	
Defendant.	:	<i>Electronically Filed</i>

**ANSWER AND AFFIRMATIVE DEFENSES TO DEFENDANT'S
COUNTERCLAIM**

Plaintiff Lahneen Slantis, by and through the undersigned counsel, answers Defendant's counterclaim and states as follows:

As to Defendant's allegations in paragraphs twenty-three through forty-five of its Answer and Affirmative Defenses, which Defendant incorporates into its counterclaim, Plaintiff answers as follows:

23. Paragraph twenty-three merely asserts an affirmative defense with of equitable estoppel without any factual allegations, therefore no answer is necessary. However, Plaintiff denies that Defendant is entitled to such an affirmative defense or that there are any facts to support it.

24. Denied.

25. Plaintiff admits that she left the employment of Advanced Center for Infertility and Reproduction Medicine in January of 2007 and that she was subject to a Consent Agreement and Order of May 23, 2006, with the Pennsylvania State Board of Nursing regarding her nursing license and that the Consent Agreement and Order are subject to privacy requirements. All remaining allegations in paragraph twenty-five are denied.

26. Plaintiff admits that the Consent Agreement and Order included requirements that she report changes in her employment status to the Professional Health Monitoring Program of the State Board of Nursing. All remaining allegations in Paragraph 26 are denied.

27. Denied for lack of knowledge.

28. Plaintiff admits that Attorney Frank P. Clark represented her beginning in approximately November of 2007. Plaintiff denies all remaining allegations in paragraph twenty-eight.

29. Plaintiff admits that Exhibit B attached to Defendant's Answer, Affirmative Defenses and Counterclaim is a true and correct copy of the January 3, 2008 letter from Capozzi and Associates to Frank Clark regarding Lahneen Slantis. Plaintiff denies all remaining allegations in paragraph twenty-nine.

30. Plaintiff admits that Capozzi and Associates obtained her consumer file from Equifax, a credit reporting agency, for the purpose of determining the whether one could collect a money judgment against Plaintiff. Plaintiff denies all remaining allegations in paragraph thirty.

31. Denied.

32. Plaintiff admits that Capozzi and Associates did not file a negative credit report to Equifax. Plaintiff denies all remaining allegations in paragraph thirty-two.

33. Plaintiff admits that Capozzi and Associates did not call Plaintiff. Plaintiff denies all remaining allegations in paragraph thirty-three.

34. Denied for lack of knowledge.

35. Denied.

36. Denied for lack of knowledge.

37. Plaintiff admits that her credit file and report reflected the unauthorized access of Capozzi and Associates to her consumer file with Equifax and that Equifax removed the entry.

Plaintiff denies all remaining allegations in paragraph thirty-seven.

38. Denied.

39. Denied.

40. Plaintiff admits that the Advanced Center for Infertility retained Capozzi and Associates with regard to Plaintiff Lahneen Slantis. Plaintiff denies all remaining allegations in paragraph forty.

41. Denied.

42. Denied.

43. Denied.

44. Denied.

45. Plaintiff admits that she has not compensated or offered to compensate Advanced Center for Infertility for any claim to date. Plaintiff denies all remaining allegations in paragraph forty-five.

46. Paragraph forty-six of Defendant's Counterclaim incorporates its responses to paragraphs one through forty-five to Plaintiff's claim. In response, for purposes of the counterclaim, Plaintiff incorporates her allegations in her Complaint and Defendant's admissions to those allegations in paragraphs one through forty-five, and Plaintiff denies Defendants additional allegations that Defendant makes in paragraphs one through forty-five.

47. Plaintiff admits that the Fair Credit Reporting Act (the "Act" herein) permits the Court to award any party reasonable attorneys fees incurred in response to a pleading filed in bad

faith or for the purpose of harassment. Plaintiff denies that her complaint was filed in bad faith or for the purpose of harassment and denies all other allegations in this paragraph.

48. Denied.

49. Denied.

50. Denied for lack of knowledge.

AFFIRMATIVE DEFENSES TO DEFENDANT'S COUNTERCLAIM

First Affirmative Defense: Defendant has failed to state a claim upon which relief may be granted. Defendant's Counterclaim alleging bad faith or harassment under the Fair Credit Reporting Act is premature and the basis for Defendant's claim is not a proper basis for the Court to make such an award. Furthermore, Defendant may not claim recovery for attorneys fees when it is representing itself.

Second Affirmative Defense: Defendant's Counterclaim is barred by the doctrine of unclean hands as Defendant's Counterclaim itself was filed in bad faith and for the purpose of harassment because Plaintiff has brought her claim against Defendant.

Wherefore, Plaintiff, Lahneen Slantis, requests that this Court dismiss Defendant's Counterclaim and any other relief the Court deems appropriate.

Respectfully submitted,

s/GORDON R. LEECH, ESQ.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of March, 2009, I electronically filed the foregoing with the Clerk of the Court using the ECF system and have served all parties as follows:

Attorneys for Capozzi & Associates, P.C.
Andrew Eisemann, Esq.
Capozzi & Associates, P.C.
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Harrisburg, PA 17110

Respectfully submitted,

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